

Following is a summary of updates provided by KSBA in regard to Restraint and Seclusion:

- The Kentucky Department of Education (KDE) plans to publish another guidance document addressing current questions. Hopefully, the document will be available in ten days.
- While we realize the regulation states that persons using seclusion must be trained, there is no guidance on that particular training. We did ask that KDE address that issue (and several others) in the upcoming guidance document. David Wickersham was in attendance representing KDE.
- We also understood that all school personnel must be trained in local policies/procedures. I do not think we understood the extent to which they should be trained. KSBA will offer the PowerPoint presented today for a fee of \$200 yearly license. You will be able to visit the KSBA website to order the resource. Keep in mind that this is in addition to the Positive Behavior in Schools four modules training to be provided to all school personnel. All should be conducted prior to the beginning of school.
- If there is an issue, the fact that effective behavioral interventions were presented with fidelity must be documented. The question would be what person within the school will be assigned to determine fidelity? Does your district have a list of evidence based or researched based behavioral interventions to be used by staff and have they been trained?
- Participants asked several questions regarding job classifications to be trained such as referees at a ballgame, volunteer coaches, educational contractors, consultants such as Four Rivers Therapists, etc. It will be the responsibility of the district to determine if the person performs duties on a regular basis. Districts should begin to think about any personnel in contact with students during any extra-curricular activities. KSBA advice was, "When in doubt, train the person." (I would like to add that Teresa Combs kept stressing her understanding or interpretation of school personnel to be contracted individuals who are "paid" by the district. We have individuals we allow in our district who are not on our payroll. So this is another gray area to be concerned with.)
- An IC document explaining how to document restraint/seclusion activities was posted to the KDE website July 9, 2013 and it is several pages.
- While the regulations state it is permissible to verbally document issues with parents, school personnel should also write that information.
- The legal ramifications of poor wording of documented events. Thus the importance of training staff on how to complete the documentation forms (additional training) and the importance of who is responsible for this documentation.
- The superintendent of the school (or his/her designee) is the person to review any doctor's letters or statements regarding prohibition of restraint for individual students.
- A question to consider would be, does the use of corporal punishment fall under KRS Chapter 503 Section 3. (2) (c) – Aversive behavioral interventions? Lawsuits will decide.

- Security officers must be sworn law enforcement officers to qualify as school resource officers and not just hired security guards.
- Review the definition of mechanical restraints as those used by related services and prescribed do not fit the definition of mechanical restraint according to the use and documentation of need. This will be very informative for OT and PT staff.
- A full ARC or 504 Team does not need to be convened to document the basis for not making a referral for IDEA services or Section 504 Referral.
- The required notification to the building level principal regarding the use of restraint or seclusion can be a verbal notification, but be sure to document when you gave them the notification and to be very conscious of the required timeline. (no later than the end of the school day on which it occurred)
- Next steps for all districts include reviewing local policies/procedures; training staff in positive school behavior (four modules or other training that addresses each point of the regulation); and deciding what person in the district is assigned to:
 - o Interview the student after restraint/seclusion
 - o Interview staff after restraint/seclusion
 - o Document the incident in the student's education record
 - o Notify the principal
 - o Notify the parent
 - o Notify the police and KDE if/when serious bodily injury occurs
 - o Chair the debriefing meeting
 - o Documents the debriefing meeting
 - o Received complaints
 - o Investigates complaints
 - o If there is an appeal procedure in the district and what that might look like